HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.31665 of 1997

Dated 2nd day of July, 2007

Between:

Vemi Reddy Padma .. Petitioner

And

The Special Officer and Competent Authority
Urban Land Ceilings, Chandravihar, III Floor,
Nampally, Hyderabad
and six others .. Respondents

O R D E R:

This writ petition is filed seeking a mandamus to declare Gazette Notification, dated 25.3.1992 and consequential Notice, dated 4.3.1993 issued under Section 10(3) of the Urban Land Ceiling Act, 1976 (for brevity "the Act") by the 2nd respondent-Government, as arbitrary and illegal, and consequently direct the respondents 1 and 2 not to disturb the petitioner's peaceful possession and enjoyment of her property in S.No.128/1 situated at Yousufguda, Hyderabad.

The petitioner asserts that originally respondents 3 to 6 are the owners and possessors of land admeasuring Ac.16.00 cents in S.No.128/1 situated at Yousufguda, Golconda Mandal, Hyderabad by virtue of a registered sale deed dated 9.11.1962. Respondents 3 to 6 entered into an agreement of sale with 7th respondent-Saradhi Cooperative Housing Society Ltd. on 16.6.1974. In pursuance of the agreement, the Society had paid a sale consideration of Rs.48,500/- to respondents 3 to 6 who in turn delivered the vacant and peaceful possession of land to the Society. Thereafter, the Society had plotted the entire land, named it as "Vijayapuri Colony" allotted plots to its members and delivered possession thereof. One D. Lalitha, who was a member of the Society, was allotted 250 square yards of land in Plot No.128 in S.No.128/1 (Part) situated at Borabanda, Yusufguda, Hyderabad, and after death, her husband and children succeeded to her property. Later, they transferred the property to the petitioner by virtue of a registered sale deed dated 17.3.1996 and since then she has been in peaceful possession and enjoyment of it and paying tax to the Government regularly. In view of the advent of the provisions of the Act, the Society made an application to exempt the entire extent of land under Section 20(i)(b) of the Act. Though the 1st respondent-Special Officer and Competent Authority recommended for such exemption, the Government did not pass any orders. As the Society applied for exemption and the 1st respondent recommended for such exemption, the members of the Society made constructions in anticipation of exemption of the land the 2nd respondent. While the matter was pending before the 2nd respondent-Government, the 1st respondent issued the Notice dated 4.3.1993 under Section 10(5) of the Act declaring that the entire land covered by S.No.128/1 admeasuring 67,213 square metres has been acquired by the Government under the provisions of the Act and the Society must surrender the same to the Government. Aggrieved by the notice, all the members of the Society made a representation to the 2nd respondent to stop further action proposed in the Notice. When no action was being taken on the representation, the members of the Society filed W.P.No.14734 of 1994 before this Court along with a petition in W.P.M.P.No.18074 of 1994 to stay the proposed action. This Court granted interim stay restraining the respondents from evicting petitioners therein from their respective premises. While so, the respondents initiated action and demolished the buildings raised by the petitioners therein and other members of the Society. Now, the grievance of the petitioner is that though she is the *bona fide* purchaser of 250 square yards of land in Plot No.128 from the Society, respondents 1 and 2 are initiating action to demolish the structures raised by her on the ground that the land in question was declared as excess by the Government by the aforesaid notification.

The learned counsel for the petitioner has contended that questioning the very same Gazette Notification, some persons filed writ petitions which were disposed of by this Court observing that there is no justification to question the Gazette Notification, however in the light of G.O.Ms.No.455, dated 29.7.2002 for regularization of surplus lands, this Court directed the petitioners therein to file their applications seeking regularization of their lands and further

directed the Government to consider the applications in terms of the said G.O.

Having perused the said judgment, this Court is of the view that the same relief can be granted to the petitioner herein.

In the result, the writ petition is disposed with a direction to the petitioner to file an application before the 1st and 2nd respondents seeking regularization of her land, and if such application is received, the respondents are directed to consider it in terms of G.O.Ms.No.455, dated 29.7.2002 and pass appropriate orders. No costs.

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02.07.2007

Note: Furnish copy in one week

B/o

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